

Section 1 is definition.

Section 2 keeps incumbents in office. Under two headings, constitutional officers are continued only insofar as they are expressly continued. So all constitutional officers in it go out unless we have expressly continued one. As to the last part of Section 2, we are dealing with nonconstitutional officers, persons who are appointed, named, elected, and so forth, but pursuant to the terms of the constitution. They stay in unless they are expressly taken out. The reason for that is that the old Constitution is automatically superseded by the new so that officers created pursuant to the old Constitution go with it unless they are expressly continued. But as far as nonconstitutional officers, they are set up by virtue of law and since they are set up by law, they continue by virtue of the fact that the law continues.

This section 2 is extremely important.

Shall we get into personal rights?

*(There was no response.)*

DELEGATE JAMES: Are there any questions on sections 1 or 2? Delegate Armor.

DELEGATE ARMOR: Is it in order to have questions after finishing each section?

DELEGATE JAMES (presiding): I would assume this would be proper procedure.

DELEGATE ARMOR: If this question is in order, if not, I will hold it until later, but this is a specific question.

DELEGATE JAMES (presiding): It would be difficult to proceed in any other way. We should have questioning after each section, although we have been following a different procedure. It seems to be more pertinent while you are explaining the section to have it at this time.

DELEGATE ARMOR: This is a specific question asked of me the last couple days. I think it has quite a bearing on the final approval on May 14 for employees of the State and of the various sections to know where they stand. Otherwise, some of those employees might take the attitude of going out working against it. Specifically it is this. There are twenty-eight employees in the Municipal Court in Baltimore. These employees are under merit employment. The oldest tenure of service is twenty-eight years. Twenty-eight years of continued service. Those employees are concerned about where they would stand under this new constitution, if adopted.

As I see it, they would be covered down here in these lines 23, 24, and 25. They would not be in danger of losing their jobs. Is that correct?

DELEGATE HARDWICKE: That is correct, Delegate Armor. That is absolutely correct. That is exactly what we intended in this last sentence.

DELEGATE ARMOR: Thank you very much, Delegate Hardwicke.

DELEGATE HARDWICKE: Assuming we are ready to go into personal rights in section 3 of our report, section 1.16 of the proposed constitution provides private property shall not be taken or damaged for public use or purposes without just compensation. I believe there was an amendment with regard to damages that was to be regulated by the General Assembly. It is for that reason that in section 3(a) we have provided that this provision, so far as it pertains to damage to property shall not take effect until July 1, 1969, because that will give the legislature one section in which to meet and pass provisions with regard to damage to property. The amendment that was adopted says except that the allowance of compensation for property damage but not taken for public use or purposes shall be subject to any limitations or restrictions the General Assembly may prescribe by law. We postponed that section to July, 1969, so the legislature could meet and make provision with regard to damage. Otherwise, the eminent domain section is in effect immediately.

DELEGATE JAMES (presiding): Delegate Johnson.

DELEGATE JOHNSON: I am not sure I understand the full force and effect of this postponement of the effective date of this section. Would that be when the alleged damage occurred? Since it goes hand in hand with some taking of some property, would it be at the time of the taking or would it be at the time of the damage or would it be at the time of the suit?

DELEGATE HARDWICKE: It is at the time of the damage.

DELEGATE JAMES (presiding): Delegate Johnson.

DELEGATE JOHNSON: What do you mean by "at the time of the damage"?

DELEGATE HARDWICKE: Generally speaking, that would be at the time of the taking. In other words, the taking would cause a damage. If the taking caused the damage, it would be the time of the taking.